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AN ACT

TO

Regulate, govern and discipline

THE

MILITIA

OF THE STATE OF MISSOURI.

PASSED AT THE

First Session of the ninth General Assembly,

BEGUN AND HELD AT THE

CITY OF JEFFERSON,

On Monday, the twenty-first day of November, in the year of our Lord, one thousand eight hundred and thirty-six.

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1837.

MILITIA.

AN ACT to regulate, govern, and discipline the Militia of the State of Missouri.

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ARTICLE 1.

Of the persons subject to Military duty.

SECTION	1	Persons subject to militia duty.
	2	Persons exempted from militia duty
	3	Further exemptions
	4	And further exemptions
	5	And further exemptions
	6	And persons having scruples of conscience

[Be it enacted by the General Assembly of the State of Missouri, as follows.]

§ 1. All able-bodied free white male citizens, between the age of eighteen and forty five, resident in this State, and not exempt from serving in the militia by the laws of the United States, or of this State, are subject to military duty.

§ 2. In addition to the persons exempted by the laws of the United States, the following persons shall be exempted from serving on military duty: 1. The Lieutenant Governor. 2. The members of the General Assembly and officers thereof during its session, and for ten days before and after such session 3. The Secretary of State, Attorney General, Circuit Attorney, Auditor of Public Accounts, and State Treasurer, and their clerks. 4. The Warden of the penitentiary, and the penitentiary overseers and guards. 5. Judges of all courts of record and their clerks. 6. Sheriffs, coroners, collectors of revenue, keepers of public prisons, and millers actually and necessarily employed in the management of grist mills. 7. Professors, tutors and students in common schools, academies and seminaries of learning established by law 8. All regularly ordained or licensed

ministers of the gospel. 9. Officers in the Army of the U. States who have been honorably discharged therefrom. 10. Officers who have served as such in the militia of this State, or that of any of the United States, for the space of ten years; but no such officer shall be so exempted, unless by his resignation, duly accepted, or in some other lawful manner, he shall have been honorably discharged from his commission. 11. All ferrymen actually employed or engaged at any regularly licensed or public ferry.

§ 3. Every non-commissioned officer, musician and private of every uniform company or troop raised, or hereafter may be raised, who has heretofore uniformed himself, or shall hereafter uniform and equip himself, and whose term of service in such company or troop shall have amounted or shall amount to ten years from the time of his enrollment therein, shall be exempt from militia duty, except in cases of insurrection or invasion.

§ 4. Every person actually employed by the year or season, on board any steam boat, flat boat, or other vessel engaged in the transportation of the produce of this State, and all fire-men attached to supply engines, and all other fire-men belonging to any company, not exceeding sixteen in number, to a fire-engine, unless in cases specially provided, shall be exempt from military duty, except in cases of invasion or insurrection.

§ 5. Every person actually employed by the year, month or season, in any blooming furnace, iron foundry, gas works, paper mill, cotton or woollen manufactory, shall be exempt from military duty, except in cases of insurrection or invasion.

§ 6. Every inhabitant of this State, of any religious denomination, otherwise subject to military duty, but who, from scruples of conscience, shall be averse to bearing arms, and shall refuse personal military duty, shall be exempt therefrom, on paying annually the sum of five dollars to the paymaster of the regiment, or extra battalion, to which he may belong, for the use of the company within whose bounds he may reside.

ARTICLE II.

Of Elections and appointment of Militia Officers and the tenure of their offices.

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2 Company and field officers, how chosen
3 Major and brigadier generals, how chosen
4 Staffs, by whom appointed
5 Commissioned officers, by whom commissioned
ib How removed
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9 Order, to whom directed in case of vacancy in office of major general
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11 Duty of officers receiving said orders

12 Vacant field officers, how filled.
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14 Notices of elections, how served
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25 Plurality of votes necessary to a choice
26 Resigna ions, how made
27 Resignations shall be communicated to commandants of regiments
28 Commander in chief may accept resignation
29 New elections shall be ordered where resignations are accepted.
30 No person shall be chosen an officer out of his district.
31 Coms of brigadier and major generals shall be vacated, when.

§ 1. The Governor shall appoint the following officers: 1 Aids-de-camp to the commander-in-chief with the rank of Colonel, *one to each division in the State.* 2. Adjutant general and quarter-master general, with the rank of brigadier general.

§ 2. Captain and subaltern officers shall be chosen by the written or oral votes of the members of thier companies; field officers of regiments and extra battalions, by the written or oral votes of the companies, subalterns, non-commissioned officers, musicians, and privates of their respective regiments and battalions.

§ 3. Major general and brigadier general shall be elected by the written or oral votes of the field officers, captains, subalterns, non-commissioned officers, musicians and privates of their respective divisions and brigades.

§ 4. Major generals, brigadier generals, commanding officers of regiments and extra battalions, shall appoint the staff officers of their respective divisions, brigades, regiments or extra battalions.

§ 5. The commissioned officers of the militia shall be commissioned by the Governor; no commissioned officer, staff excepted, shall be removed from office, unless by the decision of a court martial, pursuant to law.

§ 6. The non-commissioned officers of each company, shall be appointed by the captain or commanding officer of such company, who shall grant them a warrant accordingly.

§ 7. Adjutant shall be appointed by commandant of regiment or extra battalion, and commissioned by the Governor: sergeant majors, quarter-master, surgeon, color-bearers, and the color guards, drum majors, fife majors and trumpet majors, shall be appointed by the commanding officer of the regiment or extra battalion to which they shall belong, by warrant under the hand of such commanding officer, and hold their office during his pleasure

§ 8. Whenever the office of major general or brigadier general is vacant, the commander-in-chief shall issue an order to fill the vacancy.

§ 9. When the vacancy is that of a major general, the order shall be directed to the commanding officers of the several brigades composing the division, commanding them to cause an election to be held throughout their respective brigades, on a day to be in such order named, for choosing a major general of such division.

§ 10. When the vacancy is that of brigadier general, the commanding officer of the division shall issue a like oder to the commanding officer of the regiments and extra battalions composing the brigade in which the vacancy shall exist.

§ 11. The officers to whom such order may be directed, shall immediately issue orders to the field officers and commandants of companies, and the commandants of companies shall cause a notice of such election to be served on all persons under their commands, directing such persons to meet on the day appointed by the proper officer, at a place to be therein specified, and within the bounds of their respective beats, then and there to vote for some suitable person to fill the office vacant.

§ 12. When the office of any field officer is vacant, it shall be the duty of the officer highest in rank in said regiment or extra battalion, to cause an election to be held at the first regimental or extra battalion parade after such vacancy may occur; he shall preside thereat, and cast up all the votes, and in case of a tie, shall determine the same by lot, and report the result to the commander-in-chief, whose duty it shall be to commission the person so elected accordingly.

§ 13. When the office of any officer in any company or troop becomes vacant, the officer highest in rank in said company, shall cause an election to be held at the first company parade after such vacancy shall have occured; he shall preside thereat, and cast up the votes given, and in case of a tie, he shall determine the case by lot, and report the same to the commandant of the regiment or extra battalion, duly certified, who shall make the report as in the preceeding section.

§ 14. All notices for an election, shall be served on the persons entitled to vote thereat, in the same manner as non-commissioned officers, musicians and privates are notified to attend parades.

§ 15. The officer issuing the order shall designate some proper person or persons to serve the said notices, or to direct such service, and the person so designated, shall make a return of the persons notified and of the manner of service.

§ 16. The return, if made by a commissioned officer, shall be authenticated by his certificate, on honor; and if by a non-commissioned officer, by the oath of the person making such service; the oath may be administered by any magistrate or commissioned officer.

§ 17. If, at any election, any officer then in commission, shall be elected to fill a vacancy, and shall not decline, the electors present having authority to make a choice to fill the vacancy so occasioned, shall proceed to elect a person to fill the place of the officer so promoted.

§ 18. Every person thinking himself aggrieved by the proceedings at any election for a commissioned officer, may appeal; if the election be for a major general or brigadier general, to the commander-in-chief, and in other cases, to the commanding officer of the brigade to which such person belongs.

§ 19. The officer appealed to shall have power to administer oaths, and shall hear and determine the appeal, and if, in his opinion, the proceedings of such an election are illegal, he shall declare the election void, and shall order an election to be held without delay for a new choice.

§ 20. The commander-in-chief may make or approve such rules and regulations relative to elections and appeals, as he shall deem necessary and proper, to give full effect to the provisions of the constitution and of this article.

§ 21. Every officer duly commissioned, before he enters on the discharge of the duties of his office, shall take and subscribe the oath prescribed in the constitution of this State.

§ 22. Every commissioned officer shall take and subscribe such oath before the judge of some court of record in this State, or a county clerk, justice of the peace, or some general or field officer who has previously taken it himself, and who is hereby authorized to administer the same.

§ 23. A certificate of the oath shall be endorsed on the back of the commission by the officer administering the same.

§ 24. No fee shall be received for administering any such oath, or endorsing such certificate.

§ 25. A plurality of the votes of all the persons present, and entitled to vote at an election of any officer, shall be necessary to a choice.

§ 26. The commanding officer of regiments or extra battalions, may accept the resignation of all commissioned officers in their respective regiments or battalions; but no resignation of any field officer shall be accepted until the same shall have been approved by the commanding officer of the brigade to which the officer so resigning may belong.

§ 27. The commanding officer of the brigade, on approving any resignation, shall forthwith communicate the same to the commandant of the regiment or extra battalion to which the officer resigning may belong.

§ 28. The commander-in chief may accept the resignation of any officer whose resignation the commanding officers of a brigade, regiment or extra battalion, are not authorized to accept; and he may also accept the resignation of any officer whose resignation the commanding officer of a brigade, regiment or extra battalion shall have refused to accept.

§ 29. On accepting the resignation of any officer, the command

er-in-chief shall cause the necessary notice and orders to be given for an election to fill the vacancy so created.

§ 30. No person shall be appointed or chosen to any office in the militia who does not, at the time of his election or appointment, reside within the boundaries of the division, brigade, regiment, extra battalion, or company for which he is chosen or appointed.

§ 31. The commisssions of all brigadier and major generals, shall be vacated on the first day of July next, and the Governor shall cause the necessary elections to be held immediately thereafter to fill the said vacancies.

ARTICLE III.

Of the Enrollment of persons subject to Military duty.

SECTION 1 Persons subject to militia duty, shall be enrolled
2 Notice of enrollment
3 Arms, &c provided.
4 Age for enrollment, how determined
5 Evidence of exemption from militia duty
6 Tavern keepers and others shall furnish list of boarders
7 Forfeiture for refusing list.
8 Musicians may be enrolled.
9 Duties and privileges.
10 Shall not enlist elsewhere without consent of commander
11 Company returns, when made out

§ 1. The commanding officer of each company of infantry shall from time to time, enrol all persons within the limits of his company who may be subject to military duty; and shall, without delay, notify or cause such persons to be notified of their enrollment.

§ 2. Every notice to a person so enrolled to attend a company, battalion, or regimental muster, or drill, pursuant to the provisions of this act, shall be deemed a legal notice of his enrollment.

§ 3. Every person duly enrolled, shall be provided, within six months from and after he shall be duly notified of his enrollment, with arms, accoutrements and ammunition, as is now or may hereafter be directed by the laws of the United States.

§ 4. The age or ability to bear arms of every person so enrolled shall be decided by the commandant of the company, subject to an appeal to the commanding officer of the regiment or extra battalion; but the decision of neither of the officers shall prevent a court of assessment from determining whether such person was properly enrolled, should the person aggrieved appeal to said court.

§ 5. Persons claiming to be exempted from enrollment by reason of inability to bear arms, may produce the certificate of a surgeon, or surgeon's mate, as evidence of such inability; but such certificate shall not be conclusive, nor shall it be lawful for the person giving the same, to take any reward therefor.

§ 6. All tavern keepers, keepers of boarding houses, persons having boarders in their families, and house keepers, upon their being thereto required by the commanding officer of the company, or by a non-commissioned officer of any such company, having an order from

such commanding officer to notify persons to attend any parade within the beat of which they may reside, shall give to such commanding officer or his non-commissioned officer, a true account of all persons lodging or boarding with them, and their names, if known, to the end that such persons as are liable to do military duty according to law, may be enrolled.

§ 7. If any person, of whom such account is demanded, shall refuse to give such account and names, or shall wilfully give a false account, he shall forfeit and pay ten dollars, to be recovered under the commanding officer of the regiment or extra battalion, for the use of the said regiment or extra battalion.

§ 8. Every commandant of a company may enroll, as musicians in his company, at least two, and not more than five persons, residing in his beat, who are desirous to be enrolled.

§ 9. The persons enrolled, shall perform the duty of musicians in such company, instead of serving as privates therein, and shall respectively be entitled to the same privileges and exemptions, as non-commissioned officers and privates in uniform companies, and shall be subject to the same fines and penalties for non-performance of their duties, as non-commissioned officers are liable to for absence from parade.

§ 10. No such musicians, after having been enrolled, shall enlist in any other company without the consent of the commanding officer of the company to which he belongs.

§ 11. It shall be the duty of every commanding officer of a company to make out, in the month of May, in every year, a complete return of his company, showing the names of the commissioned and non-commissioned officers, musicians and privates of his company, with the number of their arms and equipments, and transmit the same, signed by him, and countersigned by his orderly sergeant, to the adjutant of the regiment or extra battalion, on or before the first day of June in the same year.

ARTICLE IV.

Of the organization of the Militia.

SECTION 1 Militia how organized.
1b Commander-in-chief may arrange brigades and divisions
2 Commandants of brigades may arrange regiments.
3 Alterations shall be reported to commander-in chief
4 Supernumeraries deemed to have resigned.
4b Unless they give notice to the contrary.
5 Uniform of officers
6 Books of instruction shall be provided
7 Divisions, &c. how posted.
8 Colors, where posted.
9 Companies shall consist of not less than 40 nor more than 100 privates.
10 Battalions of not less than 2 nor more than 8 companies.
11 Regiments of not less than 5 nor more than 16 companies
12 Companies of battalions and regiments, artillery, &c how organized
13 Application to organize volunteer corps, when to be granted.
14 Troops of horse, when disbanded
15 Companies not formed into battalions or regiments, where attached.
16 Regiments and batlalions of artillery &c where attached

17 Non commissioned officers, &c. not to leave their companies, except by consent of commandant
18 Commandant of troop to return persons enlisted.
ib Names shall be stricken from militia companies.
19 Notice shall be given of the discharge of ablebodied men
20 What deemed volunteer companies.
21 What, militia companies.
22 Officers shall keep accounts
23 Forfeiture for failing to make returns.
ib How recovered
24 Blanks shall be furnished by adjt. and qr. master.
25 Compensation for services.

§ 1. The organization of the militia into divisions, brigades, regiments, battalions, squadrons, troops and companies, shall always be in conformity to the provisions of the laws of the United States, and to that effect the commander-in-chief may arrange, alter, annex and consolidate the militia of this State into brigades and divisions, and establish the boundaries thereof as he may, from time to time, deem necessary.

§ 2. The commanding officer of each brigade may divide, annex or alter the boundaries of the several regiments to separate battalions under his command, and in all cases of alteration of the boundaries of any regiment or battalion, that part containing the major part of the companies of any one regiment or battalion, shall retain its name, number and rank.

§ 3. All such alterations shall be reported to the commander-in-chief, and shall remain in force until he shall otherwise direct.

§ 4. Every officer rendered supernumerary by any consolidation or alteration of a regiment, battalion, troop or company, shall be deemed to have resigned his commission, unless he shall have given written notice of his intention to retain his rank in the line, to the commanding officer of the brigade to which he belonged, within thirty days after such consolidation or alteration shall have been published in general orders, if he is within the State, and within one year if he is without the State when such publication was made.

§ 5. The uniform of field officers of the militia, shall be the same as that of the same grade and corps of the army of the United States for the time being; but if considered too expensive or too difficult to be obtained, the field officers of any brigade, or a majority of them, may alter the same in such manner as they may think proper, subject, however, to the approval of the commander-in-chief.

§ 6. The commander-in-chief shall, from time to time, provide, at the expense of the State, such books of instruction as shall be prescribed for the use of the army of the United States, and furnish the same to the field officers of divisions, brigades, regiments and battalions, and to the commandants of companies and troops of the militia and volunteers of this State; and the militia and volunteers of this State, as near as may be, conform to the system of regulation, exercise, and discipline, as may be from time to time established by the General Government for the government of their armies.

§ 7. In every corps d'armee, the first division of which it is composed, will be posted on the right, and the second on the left. A similar disposition will be made of the two brigades in a division, of the two regiments in a brigade, and of the two battalions of a regiment; or of the two platoons of a company, the platoon on the right being called the first, and that on the left the second platoon.

§ 8. The colors, with its guard, will, in regiments and battalions, be posted on the left of the right centre battalion company, that company and all on its right, will be denominated the right wing of the battalion; the remaining companies, the left wing.

§ 9. Every militia company shall consist of not less than thirty-two, nor more than one hundred privates.

§ 10. Each battalion shall be composed of not less than two, nor more than eight companies.

§ 11. Each regiment shall be composed of not less than four, nor more than sixteen companies.

§ 12. Whenever thirty-two persons, subject to militia duty, shall associate together for the purpose of forming a company of artillery, light artillery, infantry, or riflemen, or a troop of cavalry, and with the consent of the commanding officer of their brigade, shall apply to the commander-in-chief to be organized as such; or whenever two or more companies or troops, so organized, shall so apply to be organized into an extra battalion; or whenever four or more companies, troops or squadrons, so apply to be organized into a regiment of troops, the commander-in-chief may so organize them, and such persons as a majority of the applicants shall have disignated in their application, shall be commissioned as the officers of such troop or company, battalion or regiment; and inpose all such companies, battalions or regiments, shall have power and authority to make such regulations and by-laws, for their government and discipline, and all such additional fines and penalties for infractions of the same, as may be consistent with the laws and constitutions of this State or the United States.

§ 13. Every commanding officer of a brigade, before he shall consent to any such application, shall be satisfied that the persons making the same, intend in good faith, to serve when organized, and that they are of sufficient ability to equip themselves according to law.

§ 14. Every troop of cavalry, and every company of artillery, light artillery, infantry, grenadiers, light infantry, or rifle-men organized, which shall not, at any annual inspection and review, have at least thirty-two privates mounted or armed, and equipped as the law directs, shall be reported by the inspecting officer to the commandant of the brigade to which troop or company belongs, who shall satisfy himself that there are at least thirty-two privates properly mounted, armed and equipped, belonging to said troop or company, from a certificate, on honor of a commissioned officer, or the oath of a non-commissioned officer, shall be sufficient; but should he not be so satisfied, the said com-

pany or troop shall be forthwith disbanded, in order, unless he shall have reason to believe that such troop or company will have thirty-two privates present and absent, mounted or armed, and equipped as afore. said, at the next succeeding inspection and review, in which case he shall not disband the same; and should they not, at the next succeeding inspection and review, have the requisite number, he shall, without de. lay, disband the same.

§ 15. All companies or troops of the militia not formed into sep. arate battalions or regiments, shall, for all the purposes of this article, be considered as a part of the regiment or extra battalion of militia in the bounds of which they may be situated.

§ 16. All regiments or extra battalions of artillery, light artillery, grenadiers, or rifle-men, not formed into brigades, shall, for all the purposes of this article, be considered as a component part of the brigade of militia in the bounds of which the commandants of such regiments or extra battalions shall respectively reside.

§ 17. No non-commissioned officer, musician or private, belong. ing to any troop or company, shall leave such troop or company, and en list in another, without the written consent of the commandant of the troop or company to which he belongs, unless he shall have moved out of the beat of such troop or company.

§ 18. The commandant of every company or troop shall make a return without delay, of all persons enlisted therein, to the command. ants of militia companies within whose beats the persons enlisted re. spectively reside, showing thereon the date of enlistment, and the name of the person; and the commandants of militia companies shall strike from their rolls the names of every person thus certified to have been enlisted in any regularly organized company or troop.

§ 19. The commandant of any company or troop, whenever he shall discharge an able-bodied man, between the age of eighteen and forty-five, shall give notice thereof, in writing, to the commandant of the militia company within whose beat the individual discharged shall reside.

§ 20. Volunteer companies are such as volunteer their services to the commander-in-chief, subject to be called into actual service at a moment's warning, and who uniform and equip themselves according to law, or their by-laws, and are the first subject to be ordered out on duty; their term of service is three years.

§ 21. Militia companies are such as are organized according to law, and are subject to be called out into actual service, by draft only, in cases of necessity, and their tour of duty being only sixty days, sub ject to be continued sixty additional days.

§ 22. All officers mentioned in the ten preceding sections, shall keep regular accounts, and make their requisitions and returns in such form as shall be prescribed by the quarter-master general, touching the safe keeping, preservation and distribution of arms, ammunition, ord. nance and military stores.

§ 23. If any company, regiment, or extra battalion returns are not made at the time and in the manner prescribed by this act, the person whose duty it is to make such returns, if for a company; shall forfeit and pay the sum of ten dollars; if for a regiment or extra battalion, shall forfeit and pay twenty dollars; if for a brigade, shall forfeit and pay forty dollars; and if for a division, shall forfeit and pay sixty dollars, to be issued for and recovered by the proper judge advocate, before a justice of the peace of the proper county, in the name of the State, upon the order of any officer to whom such return or returns shall fail to have been made; and to be applied to the use of the regiment or extra battalion, brigade or division.

§ 24. The adjutant general and quarter-master general, shall cause blank forms of all returns to be made in their departments respectively, and shall transmit copies of the same to the proper officers; and for failing to make the returns required of them by law, shall forfeit and pay the sum of one hundred dollars each, to be sued for by the attorney general, in the name of the State, and paid into the State treasury.

§ 25. Whenever any portion of the volunteers or militia of this State shall be called into actual service by the commander-in-chief, to suppress rebellion, invasion, insurrection, or to enforce the laws, they shall receive such compensation for their services, as may be paid, for the time being, by the United States for similar services; and the auditor of public accounts, upon the certificate of the governor, showing the amount due each officer, non-commissioned officer, musician and private, shall draw his warrant on the treasurer therefor.

ARTICLE V.

Of the organization of the Staff department.

SECTION 1 Governor's staff.
2 Division and brigade staff
3 Adjutant general, rank of
4b Division and brigade inspector and adjutant
4 Division, brig and regimental quarter master
5 Pay masters.
6 Commissary general
7 Surgeons.
8 Judge advocate.
9 Sergeant major, &c
10 Chief in each department shall command subordinates
11 Chiefs shall transmit blank forms.

§ 1. The commander-in-chief shall be entitled to one aid-de-camp to each division in the State, with the rank of colonel, and a military secretary, with the rank of major.

§ 2. Each major general shall be entitled to two aids, with the rank of major, and each brigadier general to one aid, with the rank of captain.

§ 3. The adjutant general shall have the rank of brigadier general, and in his department there shall be to each division a division

inspector, with the rank of colonel; to each brigade, a brigade inspector to serve as a brigade major, with tha rank of major; and to each regiment and extra battalion an adjutant, with the rank of lieutenant.

§ 4. In the quarter-master general's department, there shall be a quarter-master general, with the rank of a brigadier general; to each division, a division quarter-master, with the rank of lieutenant colonel, and to each brigade a brigade quarter-master, with the rank of captain, and to each regiment and extra battalion, a quarter-master, with the rank of lieutenant.

§ 5. In the paymaster general's department, there shall be a paymaster general, with the rank of colonel, and to each division, a division paymaster, with the rank of major; to each brigade, a brigade paymaster, with the rank of captain; and to each regiment and extra battalion, a paymaster, with the rank of lieutenant.

§ 6. The commissary general shall have the rank of brigadier general, and in his department there shall be as many military store keepers for the safe keeping and the preservation of the State arsenals, magazines, fortifications, and military stores belonging to this State, as he may find it necessary to appoint, not exceeding one to each arsenal.

§ 7. In the hospital department, there shall be a surgeon general, with the rank of colonel, to each brigade, a hospital surgeon, with the rank of major; to each regiment, a surgeon, with the rank of captain, to each regiment and extra battalion, a surgon's mate, with the rank of lieutenant; but such rank shall not entitle such officers to promotions in the line, nor regulate their pay or rations in service.

§ 8. In the judge advocate's department, there shall be a judge advocate general, with the rank of colonel; to each division, a division judge advocate, with the rank of lieutenant colonel; and to each brigade, a brigade judge advocate, with the rank of major; and to each regiment or extra battalion, one regimental judge advocate, with the rank of lieutenant.

§ 9. There shall be to each regimental or extra battalion, one sergeant major, and such color-bearers and color-guards as may be provided for by the laws of the United States; one quarter msater sergeant, one drum major, and one fife-major; and to each regiment and extra battalion of light artillery and cavalry, one trumpet-major.

§ 10. The chief of each staff department shall, under the direction of the cammander-in-chief, have command over all subordinate officers in his department, and shall, from time to time, issue orders and instructions for their government, and furnish and transmit, at the expense of the State, such blank printed forms of oaths, notices, certificates, bonds, returns, rosters, orders, &c. and he shall prescribe such forms, always conforming as near as may be to those used by the U. States.

§ 11. Each chief of such department shall prepare, and transmit at the expense of the State, all blank forms of returns, precepts, warrants and proceedings necessary in his department.

ARTICLE VI.

Of the organization of Bands of Musicians.

SECTION 1 Bands of musicians may be organized.
2 May be required to attend meetings of officers and reviews.
3 Leader of band, shall make returns.
4 Returns sworn to, evidence.
5 Returns of delinquencies
6 Bands of music may be disbanded.

§ 1. The commanding officer of each regiment or extra battalion may organize a band of musicians, not exceeding sixteen in number, and by warrant, under his hand, may appoint a leader of such band.

§ 2. Such musicians shall be subject to the orders of such leader, and be under the command of the commanding officer of the regiment or extra battalion, and the whole, or any part of said band, may be required by such commanding officer, to appear at any of the meetings of the officers for military purposes, and at the review and inspection of such regiment or extra battalion.

§ 3. The leader of such band shall, whenever required by such commanding officer, make returns to him of the notification of the members of his band and of the delinquents and delinquencies therein; which returns shall be duly authenticated by the oath of such leader, taken before a field officer of such regiment or extra battalion, or some other person authorized by law to administer oaths.

§ 4. Such returns so sworn to, shall be received as evidence in all cases, in the same manner as like returns of non-commissioned officers of militia companies.

§ 5. The commanding officers shall make the like returns of all such delinquents and delinquencies, as in cases of non-commissioned officers and musicians in companies of infantry, and with the like effect, and the courts martial shall impose the like penalties on such delinquent members of said bands.

§ 6. The commanding officer of each regiment or extra battalion, shall have authority to disband such band, whether now or hereafter established, and revoke the warrant of its leader.

ARTICLE VII.

Of the several Parades, Drills, and Rendezvous of the Militia.

SECTION 1 Musters, when held.
2 Uniform companies shall meet whenever required by the commandant.
3 Brigades of cavalry and artillery may meet by regt. or bat. for purpose of inspection
4 Commandants of artillery brigades, may dispense with review.
5 Shall give notice of intention not to review.
6 In such cases, shall review with infantry.
7 And shall be under the command of the officer commanding the infantry.
8 Notice of times and places of review.
9 Major generals shall attend musters and reviews, when.
10 Brigadier generals shall attend reviews
11 At parades, delinquencies shall be noted.
12 Drill musters.
13 Brigade inspector shall attend drills.

14 Brigades of cavalry and artillery may meet at different times and places.
15 Commandants of regts. and extra bats. may require officers to meet once in each year
16 Brigade general may require a brigade instead of regimental drill
17 Absentees shall be reported.
18 Notice of rendezvous required to be given.
19 How served.
20 And returned
21 List of delinquents shall be delivered to president of court of assessment
22 Return sworn to and certified, evidence.
23 Commandant's of companies shall make returns.
24 Commissioned officer may give notice and make returns.
ib His certificate, evidence.
25 On parade days, militia considered under arms from sunrise to sunset
ib And shall be exempt from civil process
26 Persons guilty of disorderly conduct shall be returned.
27 By-standers may be put under guard, when.
28 Bounds of parade ground shall be disignated.
29 Persons encroaching on parade ground, may be put under guard
30 No parade shall be ordered within five days of an election.
31 Commandants of companies or troops, shall furnish list of delinquents to president of court of assessment.
32 Commanders of regts. shall report delinquents
33 Militia shall be ordered out in case of invasion insurrection, or revolt
34 Notice of invasion, insurrection or revolt, shall be given
35 Forces shall be assembled in case of insurrection.
36 Notice shall be given to judge of the county.
37 Judge may require additional force.
38 In calls for militia, uniformed companies shall be preferred.
39 Drafts shall be made by lot.
40 Who shall draw.
41 A commissioned officer shall draw for persons refusing to draw, and for absentees.
42 Persons drafted may furnish substitutes.
43 Rules for distributing arms, ammunition. &c. may be prescribed by commander-in-chief.
44 Militia shall be called into service upon the requisition of the President of the United States
45 Sixty days shall be a term of duty.
ib No person shall be required to serve more than two tours, without a discharge.
46 Notices may be given in newspapers, when

§ 1. The militia shall rendezvous as follows: 1st. By companies in their respective beats, in the months of April and September, in each year, at ten o'clock in the forenoon, for the purpose of drill, disciplining and improving in martial exercise. 2d. By battalions, in the month of May in each year, for drill and discipline. 3d. By regiments or extra battalions, once in each year, in the month of October, at such time in their respective beats as the commanding officer of the brigade shall direct, for the purposes of inspection, review, and martial exercise. 4th. At such other times and places, either by regiments, battalions, companies or corps, as the case may require, and as shall be directed in any order of the proper authority, calling into the service of the United States or of this State, the whole or any portion of the militia.

§ 2. It shall be the duty of uniform companies and troops, to rendezvous by companies within their respective beats, in addition to the general rendezvous in April and September, at such times and places as their respective commanders may direct.

§ 3. In all cases where the commanding officers of brigades of cavalry or artillery shall consider it expedient, they may require the corps under their respective commands, to meet by regiments or bat

talions at any parade which may be required for the purpose of improvement or inspection.

§ 4. If the commandant of any brigade of artillery shall deem it impracticable or inconvenient for any regiment or battalion under his command to parade for annual inspection and review, he may dispense with such inspection and review.

§ 5. He shall, in such case, on or before the fifteenth day of July in each year, notify the commanding officers of the several brigades of infantry within the beats of which the commanding officers of any company belonging to such regiment or battalion may reside, that they will not be ordered to meet for inspection and review.

§ 6. The commandants of brigades of infantry shall, in such cases, require the companies of artillery belonging to such regiment or battalion to meet for inspection or review with the regiment or extra battalion of infantry, within whose beat the commanding officers of the respective companies of artillery may reside.

§ 7. The commanding officers of regiments and extra battalions of infantry, shall on the day of annual inspection and review, have the command of every such company of artillery, and shall give the like previous orders, and make the same return of delinquents and deficiencies, with the like effect, as if such belonged to the infantry under their command; but such returns shall be made to the court of assessment of the corps to which the company belongs.

§ 8. The commander of each brigade shall give notice to the commandant of the division of the times and places of the annual inspection and review of the several regiments and extra battalions in his brigade.

§ 9. Each general of division shall attend regiments and extra battalions of at least one of the brigades in his division in each year, and he shall require the officers of the division staff, armed and equipped as the law directs, to accompany him, he shall also attend such reviews and inspections in each brigade of his division in succession.

§ 10. The commandant of each brigade shall attend with the officers of the brigade staff, armed and equipped as the law directs, the annual inspection and review of the several regiments and extra battalions in his brigade.

§ 11. At all parades the commanding officer of each company shall note all delinquencies in the uniform of uniform companies or troops, arms, accoutrements and equipments of his command, and delinquencies of appearances, and at all brigade, regimental and battalion parades, the commanding officer of each regiment or battalion, shall note all delinquencies as aforesaid, of the commissioned officers and staff.

§ 12. The commissioned and non-commissioned officers and musicians of each regiment and extra battalion, shall rendezvous within their respective beats, not less than two nor more than four days successively, in the month of September in each year, for the purpose of

drill, discipline, and improvement in martial exercise. The time and place of rendezvous shall be prescribed in orders by the commanding officer of the brigade.

§ 13. On the first day of such rendezvous, the brigade inspector shall attend to superintend the exercise and manœuvres, and to introduce the system of tactics and discipline which is now or shall hereafter be prescribed by law for the observance of the armies and militia of the United States, and on such day he shall, under his superior officers there present, take the command as drill officer, so far as shall be necessary to the execution of those duties.

§ 14. If the commanding officer of any brigade of cavalry or artillery shall deem it inconvenient for all the commissioned and non-commissioned officers and musicians of any regiment or battalion in such brigade to rendezvous at the same time and place, he may order them to rendezvous, a part at one time and place, and a part at another; at each of which places the brigade inspector of each corps shall, if practicable, attend.

§ 15. The commanding officer of any regiment or extra battalion, in addition to the redezvous above described, may require the commissioned and non-commissioned officers and musicians to meet once in each year, for exercise and improvement, at such time and place as he shall appoint.

§ 16. The commandant of each brigade, by and with the consent of a majority of the field officers, may require the parade of the commissioned officers and musicians, to be held by brigades, if he shall deem it expedient, in lieu of the regimental or battalion rendezvous.

§ 17. Such commandant shall report all absentees and deficiencies to the proper court.

§ 18. For the purposes of notifying the non-commissioned officers, musicians, and privates to any parade or place of rendezvous required by law, the commandant of each company shall issue his order to his non-commissioned officers, or to such of them as he may deem proper, requiring them respectively to notify all persons subject to military duty, within a certain district to be designated in such order, or all persons named in the order, as such commander may elect, to appear at such parade or place of rendezvous, armed and equipped as the law directs.

§ 19. Each non-commissioned officer so ordered, shall notify every person theretofore enrolled or enlisted, and whom he shall therein be required to notify, by reading the order and stating the substance thereof in the hearing of such person; or in case of his absence, by leaving a notice thereof at his usual place of abode, with some person of suitable age and discretion, above the age of fourteen years, or fixing the same on the outer door of the house, in case no person can be found therein; such notice shall be signed by the non-commissioned officer making the service, and when so left or affixed, shall have the like

effect as if the person to whom the same shall be directed, had been personally notified.

§ 20. Such non-commissioned officer shall deliver the order to his commandant, with a return, in which he shall state the names of all persons by him notified, and the manner of notifying them respectively, and he shall make oath to the truth of such return, which oath shall be administered by the commandant or other authorized person, and certified to by him on the back of the return.

§ 21. Such commandant shall deliver the order and return, together with his own return of all delinquents and delinquencies, to the president of the proper court of assessment.

§ 22. The return of such non-commissioned officer, so sworn to and certified, shall be as good evidence on the trial of any person returned as a delinquent, of the facts therein stated, as if such officer had testified the same before the court of assessment on such trial.

§ 23. Every commandant of a company shall make the like return upon honor, and with the like effect, of every delinquency and neglect of duty of his non-commissioned officers, either in not attending parade or not executing or returning an order to them directed, or not obeying the orders of their commanding officers.

§ 24. Any commissioned officer, of any company, may notify any or all of the persons subject to military duty, within the beat of his company, to appear at any parade or place of rendezvous, and such notice may be given by him, either personally or in writing, or by leaving or affixing a notice in the same manner as if given by a non-commissioned officer, and his certificate upon honor, shall be received by any military court as legal evidence of such notice.

§ 25. For the purpose of preserving order on the day of parade, the militia shall be considered as under arms from the rising of the sun to its setting on the same day, and shall be exempt from arrest on civil process during that time.

§ 26. Every commandant of a company or troop, in addition to the exercise of the usual military powers with which he is hereby vested, shall return to the president of the proper military court, the names of all persons in the company or troop, who shall have discharged any fire-arms on such day while on parade, without the order or permission of a commissioned officer; or officer acting as such; and also, the names of every non-commissioned officer, musician or private who shall, on such day, refuse or neglect to obey the orders of his superiors, or to perform such military duty or exercise as may be required of him, or depart from his colors, post or guard, or leave the ranks, without permisson from his superior officer.

§ 27. The commanding officer present at any parade, may put under guard any by-stander or spectator who shall impede the exercises, in any manner, abuse, molest or strike any one on parade, or under arms

§ 28. Such commanding officer, shall, on the day on which any parade or rendezvous is to be held, and previous thereto, cause the bounds of the parade ground to be designated in such manner as not to obstruct the passage of travellers on any public highway.

§ 29. If any person, during parade, shall encroach on the bounds of the parade ground previously designated, or shall then and there sell, or offer to sell, or give away, any spirituous liquors without permission of the commanding officer, or shall have in his possession any gambling table or other gambling device, such person shall be put and kept under guard by such commander until the setting of the sun of the same day, and such liquor, gambling table, or other gambling device, may be abated or destroyed, as a nuisance by the commandant.

§ 30. No parade or rendezvous of militia shall be ordered on any day during which a general or special election shall be held, nor within five days previous to such election, except in cases of invasion or insurrection, or of imminent danger thereof; and if any officer shall order any such parade or rendezvous, he shall forfeit and pay to the State the sum of five hundred dollars, to be recovered by action of debt in any court having competent jurisdiction, in the name of the State, to be prosecuted by the circuit attorney of the proper circuit.

§ 31. Every commandant of a company or troop, within any regiment or extra battalion, shall, on or before the sitting of the proper court of assessment, furnish the president thereof with a return of all persons belonging to his company or troop, who shall have been at such parades delinquent in the performance of duty, or deficient in the equipments required by law, or who, by any means, shall have incurred any fine or penalty under this article.

§ 32. The commandant of every regiment or extra battalion, within ten days after a regimental or battalion parade or rendezvous of commissioned and non-commissioned officers and musicians, shall furnish the president of the proper court of assessment with a return of all delinquents under his command.

§ 33. In case of any invasion, insurrection or revolt, or imminent danger thereof, within the limits of any division, brigade, regiment or extra battalion, it shall be the duty of the commandant of such division, brigade or extra battalion, to order out for the defence of the State, the militia, or any part thereof, under his command.

§ 34. It shall be his duty to give immediate notice of such invasion, insurrection or revolt, and of the circumstances attending the same, to his immediate commanding officer, by whom such information shall be transmitted, with the utmost expedition, to the commander-in-chief.

§ 35. The commandant of each regiment or extra battalion, within the limits of which an insurrection may happen, shall immediately assemble his regiment or extra battalion, under arms, and with the ut

most expedition, shall transmit information of such insurrection, to the commandant of his brigade, and to the commander-in-chief.

§ 36. He shall also give notice of such insurrection to any judge of the county in which it shall happen, and he shall take such measures for its suppression, as to such judge shall appear most effectual and proper.

§ 37. If the said judge shall deem a greater force requisite to quell the insurrection, he shall require such additional force as he may deem necessary for the commandant of the division or of any brigade therein, whose duty it shall be to obey such requisition.

§ 38. In case of an invasion or insurrection or war with any Indian tribe, and in all other cases when a call is made on the militia, the commander-in-chief shall give the preference to the uniform companies, *en masse*, by ordering them into active service.

§ 39. Whenever the president of the United States, or the commander-in-chief, shall order a draft from the militia for the public service, such draft shall be made in each company in which it is required, by lot, to be determined at a company parade, ordered for that purpose.

§ 40. Each non-commissioned officer, musician and private, present at such parade, shall draw to make up the quota required.

§ 41. One of the commissioned officers of the company shall draw for every person subject to the draft, who shall refuse to draw, or be absent from the parade; and such draft shall have the like effect as if the person so refusing, or absent, had drawn for himself.

§ 42. Any person so drafted, may offer a substitute at or after the rendezvous of the drafted militia; and such substitute, if he be an able-bodied man, of the age of twenty-one years, and shall consent, in writing, to subject himself, to all the duties, fines, forfeitures, and punishments to which his principal would have been subject, had he personally served, shall be accepted by the commandant of the company of drafted militia to which his principal may belong; and if said principal shall refuse or neglect to furnish a substitute, he shall pay not less than fifty dollars, nor more than one hundred dollars, to be collected as other fines imposed by this act.

§ 43. The commander-in-chief shall prescribe such rules and regulations, relative to the distribution of arms, ammunition, and military stores to the militia, when called into actual service, as he may deem proper; and he may also furnish such arms to the uniform companies and troops of the militia as he may think proper.

§ 44. The commander-in-chief shall, upon the requisition of the President of the United States, or in case of actual or threatened invasion, insurrection, war, or public danger, or other emergency, call into actual service such persons of the volunteers, uniform companies and militia, as he may deem expedient.

§ 45. A tour of duty in actual service, shall be sixty days, and

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ber of the court, unless required to give evidence thereof by a court of justice.

§ 11. The sentence of any such court martial shall be according to the nature and degree of offence, and according to military usage; but shall not extend further than cashiering the officer convicted, and disqualifying him from holding any office in the militia in this State, and imposing a fine not exceeding one hundred dollars.

§ 12. The proceedings and sentence of every such court martial shall, without delay, be delivered to the officer ordering the court, who shall approve or disapprove thereof, within fifteen days thereafter; and shall give notice of his approval or disapproval, to the president of such court martial, and to the arresting officer; and he may, at his discretion, publish the sentence approved or disapproved, in orders.

§ 13. He shall also transmit such proceeding and sentence, and approve or disapprove thereof, to the adjutant general, to be kept in his office.

§ 14. The right of approval to the commander-in-chief, as it now exists by military usage, is reserved; but no appeal shall be received, unless made within twenty days after the decision appealed from, is made known to the person appealing.

ARTICLE IX.

Of Regimental and Battalion Courts of Assessment.

Section 1 Court of assessment.
2 Shall assemble, when
3 Vacancies may be filled.
ib And new courts ordered.
4 Members of court shall take oath
5 Senior officer president.
ib Record of proceedings.
ib Junior member shall vote first.
6 Delinquents shall be summoned.
7 Return, how made.
8 Power of court.
9 A fine imposed by a court of assessment, shall not prevent an officer from being cashiered.
10 Court may mitigate or remit fines
11 Appeal may be taken within thirty days
ib Fine may be remitted or mitigated.
ib President of court shall be notified.
12 Paymaster required to settle at court
ib May be required to give additional security

§ 1. The commandant of each regiment and separate battalion shall, on or before the fifteenth day of October in every year, appoint a regimental or battalion court of assessment, to consist of seven members, five of whom shall be a quorum, and the senior, if practicable, shall be a field officer or captain, and shall be appointed president thereof

§ 2. The court shall assemble on the fourth Monday in November each year, and when convened, may adjourn from time to time, as shall become necessary for the transaction of business; but the whole session

of the court, from the day on which it shall convene, until its dissolution, shall not exceed two weeks.

§ 3. In case any vacancy shall happen in the court, or a new court shall be required, the officer ordering the court, or his successor in command, may fill such vacancy, or order a new court.

§ 4. The president and judge advocate, and each member of such court, before he shall enter on his duties as such, shall take the oath prescribed for president and judge advocate, and members.

§ 5. The senior member, appointed on any court martial, court of enquiry, or court of assessment, shall be president thereof; and the judge advocate appointed on such court, shall keep a record of the proceedings of such court, which shall always be subject to the approval of the officer ordering the court, and shall perform such other duties as the custom of courts in such cases require. In taking all votes, the youngest or junior members, shall vote first, and so on, according to rank, to the president, and a majority of the votes shall decide.

§ 6. The commandants of companies shall direct a non-commissioned officer, or other fit person or persons, to be by him disignated, to summon all delinquents and parties accused, to appear before the said court of assessment, and the court may, if they deem it expedient, allow such compensation for their services as shall be just and equitable.

§ 7. Such non-commissioned officer or other person so designated, shall make the like return, and with the like effect, as commissioned and non-commissioned officers are authorized and required to make in case of notice to a company or regimental parade, and shall be subject to the like penalties of neglect of duty.

§ 8. The court, when organized, shall have the trial of all delinqents and deficiencies in the regiment or battalion for which it shall have been called, and shall have power to impose and direct to be levied, all fines to which commissioned officers of companies, and non-commissioned officers or privates, are declared to be subject in the eleventh article of this law.

§ 9. No fine imposed by a regimental or battalion court of assessment on a commissioned officer, shall prevent such officer from being tried and cashiered for neglect of duty, by a court martial ordered by the commandant of his regiment.

§ 10. Every such court of assessment, may mitigate or wholly remit any penalty or fine directed to be imposed for any deficiency in arms or equipment of any delinquent in any company of infantry, whom the court shall adjudge to be so poor as not to be able to furnish himself with arms or equipments, or who shall produce sufficient excuses for such delinquency.

§ 11. From the sentence of any such court imposing a fine on any delinquent, an appeal, if made within thirty days, shall be allowed to the officer instituting the court, who may remit or mitigate such penalty.

or fine, and in that case, he shall give notice thereof, to the president of the court, or to the constable, or marshal, directed to levy such penalty or fine, as the case shall then require.

§ 12. At every regimental or battalion court of assessment, it shall be the duty of such court, to settle the accounts of their respective paymasters, and report the balance in his hands, to the officer ordering the court, and may require such paymaster to give additional security whenever in their opinion it may be necessary.

ARTICLE X.

General provisions applicable to all Courts Martial and Courts of Enquiry and Assessment.

SECTION 1 Judge advocate may subpœna witnesses.
ib And administer oaths.
2 And compel the attendance of witnesses.
ib Sheriffs, &c. required to execute process.
3 Penalty on witnesses for not attending.
4 Contempt of court, how punished.
5 Warrant of commitment.
6 Sheriff shall take charge of persons brought to him
7 Senior officers shall preside in absence of president.
ib Members of court shall wear side arms.
8 Marshals.
9 Duties and powers of marshals.
10 In appeals, statement of case and evidence may be required.
11 Additional testimony may be heard.
12 The two last sections may extend to an appeal from the approval of a sentence
13 Judge advocate shall attend all courts.
14 Special judge advocate may be appointed.
15 A copy of proceedings of court shall be forwarded to the officers ordering said court.

§ 1. The judge advocate of every court martial, and of every court of assessment or enquiry, both before and after he shall have been sworn, shall issue subpœnas for all witnesses whose attendance at such court may, in his opinion, be necessary in behalf of the State. and also, on application for all witnesses in behalf of any officer or person charged or accused, or returned as delinquents.

§ 2. The judge advocate of any court martial, court of enquiry or court of assessment, shall have power to administer the usual oath to witnesses, and the president shall have the same power to compel attending witnesses to be sworn and testify, and preserve order, as courts of common law jurisdiction; and all jailors, sheriffs, marshals and constables, are hereby required to execute any process issued by such president for that purpose.

§ 3. Every witness not appearing in obedience to such subpœna, when duly served, and not having a sufficient or reasonable excuse. shall forfeit a sum not less than ten, nor more than fifty dollars, to be sued for by the judge advocate, in the name of the State, for the use of the regiment or extra battalion.

§ 4. Any person or persons who shall be guilty of disorderly.

contemptuous or insolent behavior, or use any insulting, contemptuous or indecorous language, gestures, or expressions to, or before any court martial, court of assessment or court of enquiry, or any member of either of such courts, in open court, may be committed to the jail of the county in which such court shall sit, by warrant, under the hand and seal of the president of such court.

§ 5. Such warrant shall be directed to the sheriff or any constable of the proper county, or any marshal or officer attending the court, and shall command the officer to whom it is directed, to take the body of such person, and to commit him to the jail of the county, there to remain without bail or mainprize in close confinement for a term to be limited by the duration of the court, and until the costs be paid.

§ 6. Such sheriff shall receive the body of any person who shall be brought to him by virtue of such warrant, and keep him until the expiration of the time mentioned in the warrant, and until the officers and jailor's fees shall be paid, or until the offender shall be discharged by due course of law.

§ 7. In the absence of the president of any court martial or court of enquiry, or assessment, the senior officer present, shall preside with all the power of the president, and all the members of such courts shall, when on duty, wear side arms.

§ 8 The president of any such court may appoint, by warrant under his hand and seal, one or more marshals.

§ 9. The marshal so appointed, may not only perform the usual duties of such marshal, but may also execute all process lawfully issued by such president, and perform all acts and duties in this act imposed and authorized to be performed by any sheriff, marshal or constable.

§ 10. Whenever the sentence of any court martial shall be appealed from, the officer hearing the appeal, shall require the president of the court martial to furnish him forthwith any additional statements of the case, and of any additional evidence touching the cause.

§ 11. Such statement being furnished, the officer appealed to may hear such further evidence as the nature of the case may require, and for that purpose, he shall have power to administer the usual oaths to witnesses produced before him, except in cases where trials may have been had upon charges preferred before the proper court martial.

§ 12. The two last sections shall extend to appeals made from the order of an officer approving the sentence of a court martial.

§ 13. The judge advocate shall attend all courts to be holden within his division, brigade, regiment or extra battalion, and record and keep a true statement of all proceedings, written pleas, evidence or defence, had before such court.

§ 14. If there be no judge advocate, or in case of his absence, or inability to attend such court of enquiry, court martial, or court of assessment, such court may appoint a special judge advocate, who shall be sworn by the president of the court, and do the duties of judge advocate.

§ 15. The judge advocate of any court martial or court of assessment, shall immediately after the termination of such court, make out and deliver to the president thereof, a copy of its proceedings and sentence, if a court martial, and a copy of all fines and penalties imposed, if a court martial or court of assessment; a copy of which the president and judge advocate shall sign and transmit to the officer ordering the court, who shall approve or disapprove the same before any sentence shall be carried into effect.

ARTICLE XI.

Of Penalties, Fines and Expenditures.

SECTION 1 Penalties for disobedience of orders, &c
2 Fines for certain offences.
3 Non-commissioned officers may be reduced to the ranks, when
4 Fines for discharging fire arms on parade.
5 Penalty for want of infantry equipments
6 When, not to apply.
7 For want of cavalry equipments.
8 For want of artillery equipments.
9 Delinquents, when excused
10 Persons failing to exhibit certificate of execution before court, shall maintain no action against any member of said court, or any person acting by its authority, for the imposition of any fine or execution of any sentence
ib Fines for resigning in less than four years.

§ 1. Every commissioned officer for disobedience of orders, neglect of duty, unofficerlike or ungentlemanly conduct, or disrespect to a superior officer, or for neglect to furnish himself with equipments within twelve months after receiving his commission, shall be arrested and brought to trial before a court martial, who may, on conviction, sentence him to be cashiered, incapaciated from holding any military commission, and be fined to any amount not exceeding one hundred dollars, or may sentence him to any part of such penalties, or to be reprimanded in their discretion.

§ 2. Every commissioned officer of a company, and every non commissioned officer, musician and private, shall, on due conviction, be subject for the following offences, to the fines thereto annexed. 1st. Every non-commissioned [officer,] musician or private, for non appearance, when duly summoned to any company, battalion or regimental parade or rendezvous of officers, not less than one, nor more than three dollars, at the discretion of the battalion or regimental court of assessment. 2d. Every non-commissioned officer, musician and private, for neglecting or refusing to obey the orders of his superior officers on any day of parade, or to perform such military duty or exercise as may be lawfully required, or depart from his colors, post or guard, or leaving his place in the ranks, without permission, a fine not more than ten, nor less than two dollars, in the discretion of the court. 3d. For neglecting or refusing to obey an order or warrant to him lawfully given or directed, or to make a proper return thereof, if such return be necessary, or making a false return, or neglecting or refusing, when required, to summon a delinquent before a court martial, or court of en

quiry, or court of assessment, or duly to return such summons, a fine not more than twenty, nor less than five dollars, in the discretion of the court of assessment.

§ 3. Every non-commissioned officer, for neglecting or refusing to act as such, when duly appointed, shall be sentenced to pay a fine not exceeding ten dollars; and every such officer, for neglect of duty, or disorderly or unofficerlike conduct, in addition to other penalties, may be reduced to the ranks by the commandant of the company.

§ 4. Every non-commissioned officer, musician or private, who shall unlawfully discharge any fire arms, whilst on parade, shall be fined not less than one dollar, nor more than twenty dollars.

§ 5. Every non-commissioned officer and private of infantry, light infantry or rifle, appearing without being armed and equipped as the law directs, at any parade or rendezvous, shall be sentenced to pay the following fines, namely. For want of a sufficient sword and belt, if belonging to the artillery or light artillery, and for want of a sufficient musket or rifle, if belonging to a company of light infantry, grenadiers or riflemen, one dollar, for want of a sufficient bayonet and belt, fifty cents; for want of a pouch with a box therein, sufficient to contain twenty-four cartridges suited to the bore of his musket, twenty five cents; and whenever ordered by the commander-in-chief or the commandant of the division, brigade, regiment or extra battalion, so to be equipped as on parade; for want of two spare flints and a knapsack, twenty-four cartridges, shot pouch, powder horn, twenty balls and a quarter of a pound of powder, twnty cents each; but the whole number of spare flints, cartridges and balls, shall be considered as only one deficiency: *Provided*, That no person be fined for not appearing on parade without a gun who does not own one.

§ 6. The penalties imposed for want of a bayonet, belt and cartridge box, shall not apply to any non-commissioned officers or privates, armed with a rifle and having a powder horn and pouch.

§ 7. Each non-commissioned officer and private in the cavalry or light artillery, shall be sentenced to pay, as fines, for want of a sufficient horse, five dollars; for want of a sufficient sabre, two dollars; for want of a sufficient saddle, bridle, breast-plate, valise or cartridge box, fifty cents each; for want of a sufficient crupper and mail pillion, twenty-five cents.

§ 8. Each non-commissioned officer and private in the artillery, shall be sentenced to pay as fines, for losing any implement committed to his care, the price of each implement, and one dollar in addition; for want of a sufficient sword and belt, two dollars.

§ 9. The court of assessment, by which any delinquent is tried, may excuse such delinquent, if it shall be made satisfactorily to appear to the court, that he has a reasonable excuse for such delinquency.

§ 10. No action shall be maintained against any member of a court martial, court of enquiry, or court of assessment, or officer, or

agent acting under its authority, on account of the imposition of a fine or the execution of a sentence on a person not liable to do military duty, if such person shall have been returned as a delinquent, and duly summoned, and shall have neglected to show his exemption before such court.

§ 11. Commissioned officers who shall resign within four years from the date of their commissions, or refuse to accept their commissions, after consenting to become candidates, for any of the following offices, unless they remove out of the bounds of their respective commands or are disabled by sickness from performing their duties, shall be fined as follows: 1st. An ensign shall pay ten dollars. 2d. A lieutenant shall pay twenty dollars. 3d. A captain shall pay thirty dollars. 4th. A major shall pay forty dollars. 5th. A lieutenant colonel shall pay fifty dollars. 6th. A colonel shall pay sixty dollars. 7th. A brigadier general shall pay eighty dollars. 8th. A major general shall pay one hundred dollars, to be sued for in each case by the judge advocate then under the orders of the officer next in command to the one resigning, in the name of the State, to be applied to the benefit of their respective companies, battalions, regiments, brigades or divisions.

ARTICLE XII.

Of the Collection and Appropriation of Penalties, Fines, and Commutation Money.

SECTION
2 Fines imposed, shall be returned to officer ordering court
3 Sheriff shall make return in forty days.
4 Fines not collected, warrant may be renewed or new one issued
5 Renewed as executions from justices courts are.
6 Moneys shall be paid to president of the court
7 After costs, balance shall be paid to paymaster
8 President of court shall furnish a statement of moneys received by him to officer ordering such court.
9 Penalty for neglect.
10 Adjutant shall prosecute sheriff, &c. for neglect
11 He shall pay over moneys.
12 Moneys how applied
13 Paymaster shall keep account of moneys received.
14 Commandant of regts. shall adjust accounts.
15 Paymaster failing to pay over moneys, proceedings.
16 Notice of failure to pay over moneys, shall be given to the judge advocate.
17 Judge advocate may retain necessary expenses
18 Members of the regiment may be jurors or witnesses,
19 Exempts shall produce receipts for commutation fines.
20 Commandants of companies shall make out lists of exempts
21 Certain fines, where paid

§ 1. All fines that shall be imposed by any regimental or battalion court of assessment, shall be returned by the president of the court to the officer ordering it, or to his successor in command, within twenty days after such fines shall have been imposed.

§ 2. For the purpose of collecting such fines, the president of the court shall, within thirty days after the fines shall have been imposed, make a roll of all persons fined, designating the company to which they respectively belong, and the sums imposed as fines on each person, and

shall draw his warrant under his hand and seal, directed to any sheriff, marshall, or constable, of any city or county, thereby commanding him to levy such fine or fines, together with his cost on the goods and chattles of such delinquents; and if any such delinquents shall be under age, and live with his father or mother, master, mistress or guardian, then to levy such fine or fines, with the cost, on the goods and chattles of such father or mother, master or mistress, or guardian.

§ 3. Every such sheriff, marshall or constable, to whom any such list and warrant shall be directed and delivered, may execute the same by levying and collecting the fines in any city, town, or county in this State, and shall make the return thereof within forty days from the receipt of such warrant to the president who issued the same.

§ 4. If the sheriff, marshal or constable, shall not be able to collect the fines, then the president issuing the warrant may at any time thereafter, within two years from the time of imposing the fines, issue a new warrant against any delinquent, or renew the former warrants from time to time, as may become necessary.

§ 5. Any warrant for the collection of fines, issued by virtue of this article, shall, and may be renewed in the same manner that executions, issued from justices courts, may by law be renewed.

§ 6. The moneys arising from fines imposed by any regimental or battalion court of assessment, shall be paid by the officer collecting the same, to the president of the court.

§ 7. Such president, after deducting and paying the costs and fines properly chargeable on the fines so received by him, shall pay the surplus of such fines to the paymaster of the regiment or extra battalion, and take his receipt therefor.

§ 8. Every such president shall, from time to time, as often as he shall be required to furnish to the officer ordering the court, or to his successor in command, a correct statement of all fines imposed, and of all moneys received by him on account of fines, and paid over to the paymaster; and it shall be the duty of the officer instituting every such court, or his successor in command, to make such requisition within fifty days after any such court shall have been held.

§ 9. Every such president who shall willfully neglect or refuse to comply with such requistion for the space of ten days, shall be liable to be tried, and cashiered therefor.

§ 10 It shall be the duty of the respective presidents of courts of assessment, to issue their orders to the adjutant to prosecute in their own names, any sheriff, marshal or constable, who shall incur any penalty for neglect in the execution or return of any warrant, or in paying over moneys collected.

§ 11. The moneys arising from such penalties, when collected by him, shall be paid over and applied as other moneys, payable to the paymasters of regiments and extra battalions, are directed to be paid over and applied as in this article.

§ 12. All moneys received by each paymaster of a regiment or extra battalion, shall be expended under the direction of the field officers and commandants of companies in such regiment or battalion, and shall be applied in the first place, to the purchase and repair of regimental colors and instruments of music, and the renumeration of non-commissioned officers for the time lost in notifying, and the residue in the disciplining and improving such regiment or battalion, in such manner as a majority of the field officers and commandants of companies shall direct.

§ 13. It shall be the duty of each paymaster of a regiment or extra battalion, to keep in a book for that purpose, an account of all moneys by him received and expended, for the use of the regiment or extra battalion, when and to whom paid, and for what purpose, and to whose order, and to exhibit such account on request, to any commissioned officer of his regiment or battalion, and to deliver it over to his successor in office.

§ 14. Every commandant of a regiment or extra battalion, shall examine and adjust the accounts of the paymaster of their regiment or battalion, on or before the first day of February in each year.

§ 15. If the paymaster of any regiment or extra battalion, shall refuse or neglect to pay any moneys to such regiment or extra battalion as the field officers and commandants of companies shall have directed, the judge advocate of the regiment or extra battalion, shall sue in his own name, for such moneys, and apply the same, when recovered, to the use of the regiment or extra battalion.

§ 16. It shall be the duty of the several officers to whom moneys are in this article directed to be paid, in case of refusal or neglect of the persons directed to account for and pay over such moneys, to notify the judge advocate of such delinquency, who shall sue for the same in his own name, but to the use before specified, in an action for money had and received.

§ 17. The judge advocate, so suing, may retain out of the money he shall collect, all necessary and reasonable expenses he may incur in such suits, and pay over the residue to the officer who reported the delinquency to him.

§ 18 It shall be no objection to any person called as a witness or to serve as a juror in any action authorized in this article, that he is a member of the regiment or battalion that may be affected by such action

§ 19. Every person entitled to be exempt from military duty, on payment of the commutation fine of five dollars, as provided in the sixth section of the first article of this act, shall, on or before the first day of April in each year, produce to the commandant of the company in whose beat he resides, the receipt of the paymaster, which shall be a sufficient justification for his non-appearance during the year.

§ 20. The commandant of each company of infantry shall, on

before the first day of May in each year, make out a list of all persons in his beat, who have availed themselves of the provisions of the preceding section, and deliver the same to the president of the proper court of assessment.

§ 21. All fines collected of major generals, brigadier generals, or of their staff, shall be paid into the State treasury, except so much as is provided for in the sixth section of the second article of this law. This and all other fines and moneys coming from the militia of this State, shall constitute a fund for the purpose of ordnance and arms for this State.

ARTICLE XIII.

Fees of Members of Courts Martial and other officers.

SECTION 1 What fees paid out of the State treasury
2 On what evidence allowed brigade inspectors
3 What fees paid by regiments and battalions
4 What sums not chargeable to regts. and bat'n
5 Sheriff's fees.
6 Fees for services not specified.
7 Accounts by whom audited
8 Auditor may draw his warrant on the application of the Governor, in what case
9 Compensation of adjutant and quarter master general
10 Witnesses fees
11 Claims, where and to whom exhibited
12 13 Accounts of witnesses, how paid
14 Tavern keepers refusing to give a list of boarders, or giving a false list, shall be fined.

§ 1. There shall be allowed and paid out of the State treasury 1st. To each division or brigade judge advocate, and to each president and member of any court of enquiry or court martial for the trial of officers, two dollars for each day actually employed on duty, and the like compensation to every provost-martial appointed by any such court, for every day employed in the execution of the duties required of them. 2d. To each brigade inspector for inspecting a regiment or extra battalion, two dollars per day; for attending each parade of commissioned or non-commissioned officers and musicians, which he is by law required to attend, two dollars per day, and ten cents for each mile traveled in attending on the same.

§ 2. No payment shall be made to any brigade inspector until he shall have furnished evidence to the auditor of his having made out and transmitted the inspection returns of his brigade to the adjutant general, and a copy thereof to his division of inspection.

§ 3. There shall be allowed and paid out of the fines imposed of each regiment or battalion court by assessment, and received by the paymaster thereof: 1st. To the president and each member, one dollar for each day actually employed in holding the court, or employed in attending to the business thereof, and one dollar for every ten miles travel to and from the place of holding said court, and a like compensation to each non-commissioned officer, marshal, or other person who shall have summoned delinquents to appear before the court,

and a like compensation per day, if required to attend said court. 2d. To each regimental or battalion adjutant, the sum of two dollars for every day he shall actually and necessarily attend any drill, inspection or review. 3d. To each regimental or battalion paymaster, six per centum on all moneys paid out by him as paymaster. 4th. To each judge advocate for his services, the sum of two dollars for every day he shall attend any court of assessment or other military court, and there discharge the duties of his office.

§ 4. No other sums or expenses whatever, shall be charged on the fines received by the paymaster of any regiment or extra battalion, but the president, members and officers, shall defray their expenses out of the fees allowed to them respectively.

§ 5. Each sheriff, marshal, constable, or other officer, to whom a warrant for the collection of fines may be directed, shall be entitled to the same fees, and subject to the same penalties for any neglect, as allowed and provided for on executions issued on, of justices courts.

§ 6. For all other services under this act, the sheriffs, marshals, and constables executing the same, shall be entitled to the like fees as for similar services in other cases.

§ 7. The accounts of all persons who, under this article, are entitled to be paid out of the State treasury, shall be audited by the auditor; and of all persons who are entitled to be paid out of the fines imposed by regimental or battalion courts martial, by the officer ordering the court.

§ 8. The auditor, on the application of the governor, may draw his warrant on the treasurer for such sum of money as may be requisite in the execution of the provisions of this act, and may require the chief of each staff department to account quarterly for all moneys received by him for purposes connected with his department.

§ 9. The adjutant general and quarter-master general shall be allowed for their services, an annual compensation of one hundred dollars each, to be paid out of the State treasury, and the auditor of public accounts is hereby required to draw his warrant on the treasurer, from time to time, for the same.

§ 10. Witnesses attending any court, court martial, or court of assessment, shall be entitled to the like compensation for attendance and traveling as are allowed by law to witnesses in the circuit court.

§ 11. All persons having claims for services as aforesaid, shall exhibit the same to the president of the court at which they were rendered, who shall audit and adjust the same and grant certificates therefor.

§ 12. All such accounts of witnesses for attendance at any general or regimental court martial, court of enquiry, or court assessment, shall be paid out of the State treasury, and the auditor of public accounts shall draw his warrant therefor.

§ 13. All such accounts for services at a regimental or battalion court martial, court of enquiry or assessment, shall be paid out of the

regimental or battalion funds, and the commanding officer shall draw his warrant accordingly.

§ 14. If any person of whom such account as is demanded in the sixth section of the third article of this law, shall refuse to give such account and names as is required in the section aforesaid, or shall wilfully give a false account, he or she shall forfeit and pay ten dollars, to be recovered by the judge advocate of the regiment or extra battalion, by an action of debt, before a justice of the peace, for the use of his regiment or extra battalion.

ARTICLE XIV.

Of the duties of certain Staff Officers and various matters connected with their respective departments.

SECTION 1 Adjutant general shall keep a roster
ib Shall reside at the seat of government.
2 And keep a local description of regiments &c
3 Books shall be purchased
ib And delivered to his successor
4 Seal of office.
5 Returns shall be recorded.
6 Commander in chief shall procure arms, &c, apportioned to this State
7 May loan arms to volunteer corps.
8 Commandants of divisions and brigades shall furnish return of officers
9 Adjutants of regiments shall furnish return of officers
10 Commandants shall cause returns to be made in case of absence or sickness of staff.
11 Roster and order books shall be kept
12 Return of public arms shall be made
13 Division return to adjutant general
14 Brigade return.
15 Horses shall be appraised, how and when
16 Paymasters shall give bond.
17 Bond shall be recorded, when
ib Copy, shall be evidence.
18 Duties of paymaster.
19 Shall settle annually.
20 Moneys, how paid out.
21 Claims shall be paid in turn
22 Paymaster liable, when.
23 Quarter-master general shall keep a record of all communications from commander-in-chief.
24 Shall prescribe forms
25 Shall keep and issue arms, &c.
26 Further duties of quarter-master general
27 Division of quarter-master's duties.
28 Shall make return to quarter-master general
29 Brigade quarter-master's duties.
30 Shall make return.
31 Regimental and battalion quarter master's duties.
32 Shall make returns.

§ 1. The adjutant general shall keep a roster of all the commissioned officers of the militia of this State, showing the dates of their commissions, their rank, and the corps to which they belong, their company, battalion, regiment, brigade or division, and the places of their residences, as accurately as can be ascertained, which roster shall be revised and corrected every year; and his office shall be kept at the seat of government.

§ 2. He shall also enter in a book to be kept for that purpose, a

local description of the several regiments, brigades, and divisions of infantry, artillery and riflemen.

§ 3. The books required by the adjutant general, to comply with this article, shall be furnished him at the expense of the State, and shall go to his successor in office.

§ 4. The adjutant general shall prepare a seal of office, and shall, from time to time, deliver the same to his successor in office; and all copies of records and papers in his office, duly certified and authenticated under the seal, shall be evidence in all cases, in like manner as if the originals were produced.

§ 5. Every staff officer, whose duty it is to make returns, shall record the same in a book to be kept for that purpose, and which shall not be alienated from the corps to which it belongs.

§ 6. The commander-in-chief shall, from time to time, take such steps as may be necessary to procure the arms, ordnance, ammunition and military equipments and stores, apportioned to this State by the United States.

§ 7. He shall loan to any volunteer corps or company duly organized, the arms, ammunition, ordnance, and military equipments, upon such terms as he may think proper.

§ 8. It shall be the duty of commandants of divisions and brigades, to furnish the adjutant general with a return of their officers, containing the facts requisite and necessary to enable him to comply with the provisions of this article; and also, a description of the regiments and brigades.

§ 9. Each adjutant of a regiment or extra battalion, shall furnish correct returns of their regiment or battalion, in the month of November in each year, showing the number and grade of field officers, commissioned and non-commissioned staff officers, the number of regimental musicians, and an abstract from the company returns, showing the names of the commanding officers of each company, the number of commissioned and non-commissioned officers of each grade, the number of musicians and privates respectively belonging thereto, with their arms and equipments, and transmit the same, signed by the commanding officer of the regiment or extra battalion, and countersigned by himself, to the brigade inspector on or before the first day of December in each year.

§ 10. It shall be the duty of the several commandants of divisions, brigades, regiments, or extra battalions, to cause proper returns to be made and transmitted in due time, in all cases of absence or inability of any staff officer to perform the same.

§ 11. The aid-de-camp of each major general or brigadier general, the adjutant of each regiment or extra battalion, and the orderly sergeant of each company, shall keep, under the direction of their respective commanding officers, a correct roster of each division, brigade, regiment, battalion, corps or company to which they respectively belong,

an order book, and record therein, all orders and official communications received, transmitted or issued through or by the respective commanding officers; and copy, distribute and transmit all such orders and papers as they may be directed by said officers.

§ 12. It shall be the duty of the commanding officer of each company who shall have received public arms, ammunition, ordnance or military stores, in the month of June annually, to make out a return of the public arms, ammunition, ordnance, or military stores received, distributed and remaining on hand, together with their condition, and shall transmit an attested copy thereof, to the quarter-master of the regiment or battalion, on or before the first day of July in the same year.

§ 13. It shall be the duty of the division inspector to make and transmit a division return to the adjutant general, for the commander-in-chief, and also, for the officer commanding the division, annually.

§ 14. It shall be the duty of the brigade inspector to transmit a copy of the inspection return annually, to the adjutant general, and a duplicate of the same to the division inspector, within thirty days after the inspection shall be made.

§ 15. The brigade inspector shall call to his assistance two respectable freeholders, above the age of forty-five years, who shall appraise on oath, the horses of the officers and privates called into actual service, and who are required by law to be mounted, immediately on going into service, describing the size, marks and color of each horse, in a book to be kept for that purpose.

§ 16. The paymaster of each regiment or extra battalion, before entering upon the discharge of the duties of his office, shall enter into bond to the State of Missouri, in the sum of one thousand dollars, with sufficient security, to be approved by the commanding officer of the regiment or battalion, conditioned that he will faithfully account for, and pay over according to law, all moneys that may come into his hands as paymaster, and that he will faithfully discharge all the duties that may be enjoined on him by law.

§ 17. Such bond, with the certificate of approval endorsed thereon, shall be deposited and recorded in the office of the recorder of the county, and a copy thereof, or of such record duly authenticated under the official seal of the recorder, shall be received in evidence, in all courts and places, in the same manner and with the like effect as the original.

§ 18. It shall be the duty of every such paymaster to receive all moneys accruing to the regiment or battalion, and disburse the same from time to time, upon the orders of the commanding officer of the regiment or extra battalion; he shall keep just and true accounts of his receipts and expenditures on account of the regiment or extra battalion, and keep the same at all times ready for the inspection of any field officer of the regiment or extra battalion.

§ 19. Every such paymaster shall settle his accounts, once in

each year, with the regimental or battalion court [martial] and shall give additional security when thereto required by such court.

§ 20. All moneys in the hands of the paymasters shall be subject to, and be paid out on the orders drawn by the commanding officer of the regiment or battalion, which orders shall be regularly filed and preserved by the paymasters as vouchers.

§ 21. It shall be the duty of the paymaster to pay demands according to priority of dates, and in all cases where he has received notice of any claim, he shall not be allowed himself, nor shall he allow a younger claim of any person, until the elder ones are satisfied.

§ 22. If any paymaster shall fail to pay any lawful order, according to law, having sufficient funds applicable to the payment thereof, he shall be liable to pay the holder double the amount, to be recovered by suit against him and his securities on his official bond.

§ 23. The quarter-master general shall keep fair records of all orders and communications which he shall receive from the commander-in-chief, and obey all his lawful orders.

§ 24. He shall prescribe the forms of making, keeping and rendering accounts and returns of his department, and report all delinquencies which may happen therein, and shall perform such other duties as may be enjoined on him by the laws of this State or the United States.

§ 25. The quarter-master general shall receive and safely keep all arms, ammunition, ordnance, and military stores belonging to this State, or apportioned to the militia of this State by the United States, and to issue them from time to time, upon the order of the commander-in-chief.

§ 26. The quarter-master general shall form an abstract of such division returns, and transmit an attested copy thereof to the commander-in-chief, on or before the first day of November in each year, together with a complete return of the whole amount of arms, ammunition, ordnance, and military stores received, distributed and remaining on hand, with their quality and condition, in which he shall note defects and deficiencies, and suggest such measures as he may deem necessary, touching the preservation, distribution, repairs of public arms and military stores, and management of his department.

§ 27. Division quarter-masters shall receive and safely keep all arms, ordnance, ammunition, and military stores which may be issued to them, and distribute the same from time to time, agreeably to the orders of the commanding officer of the division.

§ 28. The division quarter-master shall make a like abstract of the returns made to him, and transmit an attested copy thereof, together with a return of the arms, ammunition, ordnance, and military stores received and issued by them to the quarter-master general, on or before the first day of October in each year.

§ 29. Brigade quarter-masters shall, from time to time, make r

cessary requisitions, receive and safely keep all arms, ammunition, ordnance, and military stores which may be delivered to them, and issue the same, from time to time, upon the order of the commander of brigade.

§ 30. The brigade quarter-master shall make out an abstract of all returns to him made, and transmit an attested copy, together with a return of the arms, ammunition, ordnance, and military stores by him received and distributed or remaining on hand, to the division quarter-master, on or before the first day of September, in each year.

§ 31. Regimental and battalion quarter-masters shall receive all arms, ammunition, ordnance, and military stores, and distribute the same upon the orders of the commanding officer of the regiment or battalion, and the commandants of companies shall make the necessary requisitions, and distribute such arms, ammunition, ordnance, and military stores among their respective commands.

§ 32. The regimental or battalion quarter-master shall make an abstract of all returns made to him, and transmit an attested copy to the brigade quarter-master, on or before the first day of August in each year, accompanied by a return of public arms, &c. received and distributed by him, or remaining on hand.

ARTICLE XV.

To provide for and encourage the Organization of Volunteer Companies.

SECTION 1 Volunteer companies, privileges.
2 How organized, and when.
ib Held liable to turn out at a moment's warning.
3 When attached to the militia.
ib Two or more companies, &c. may be formed into a battalion.
4 Strength of Volunteer companies.
ib When subject to be dissolved
5 When sufficiently instructed, may be dispensed with at alternate musters
6 Notice for calling out volunteers in case of invasion, &c.
7 Powers of courts convened under by-laws of volunteer corps
8 Volunteer officers, when exempt.
9 Non commissioned officers and privates, when exempt
10 Penalty for want of equipage, &c
11 Volunteers of St Louis shall constitute a legion
12 And shall be organized by the governor.
ib And may choose their own uniform and arms.
ib And may make by-laws with the approbation of the governor
13 Governor may re-organize said legion
14 Other companies may be attached to said legion, when.
15 Said legion may hold real estate.
ib And may adopt a motto, and have a seal
16 Members of said legion exempt from serving on juries.
17 Such exempts, discharged by commandants, shall be reported.
18 This act shall not be printed among the laws of the present session
ib Secretary shall contract for printing fifteen hundred copies in pamphlet form, provided it can be done for $250.
19 Former laws repealed.

§ 1. That volunteer companies may be organized in this State, under the regulations of the General Government, for the government of the militia or army of the United States, and subject to the following

exemptions from the militia laws of the State, each company shall consist of not less than forty privates for infantry and rifle; and of thirty for artillery and cavalry. They may make by-laws, which shall be obligatory on the members, when approved by the commander-in-chief; and may collect the fines therein inflicted, for the use of the company, before any justice of the peace or court of competent jurisdiction, without paying any fees but those which are collected with the fines. They may adopt any uniform which shall be approved by the commander-in-chief; but any company newly formed in augmentation of any corps already formed, shall wear the uniform of that corps or of the eldest company of the same arm belonging to the corps; each company having the right to wear some mark on the collar or on the cap, to distinguish it; and each officer and non-commissioned officer, to wear the distinguishing marks and badges used for the time being, by the army of the United States, to distinguish the respective grades, unless the commander-in-chief shall permit otherwise.

§ 2. That whenever a sufficient number of individuals shall agree, and sign articles to that effect, engaging to volunteer their services to the State for a time, which shall be specified therein, and to uniform and equip themselves according to law, or such by-laws as a majority of their members shall enact, they shall be denominated as volunteers; and shall be considered as engaging to serve the State under all legal officers for the time specified; and shall be held liable to turn out at a moment's warning, to suppress tumult or insurrection, or to enforce the laws.

§ 3. That any single volunteer company, which cannot be conveniently organized with the neighboring battalions of volunteers, shall be considered as belonging to the battalion or regiment of militia within which it is formed; and at all such parades, such company shall have preference in rank. Any two or more volunteer companies of artillery, infantry or rifle, or squadrons of light artillery or cavalry, may be formed into a battalion; and any two such battalions, may be formed into a regiment; under the same rules, volunteers who can conveniently assemble together, may be organized into brigades and divisions, as may be provided for by law.

§ 4. That the strength of any volunteer company shall never be considered as more than the number who are, or may have been present at the last regular inspection, with one-fifth added to make up for those who are, or may have been sick or otherwise unavoidably absent; and if any company of volunteers shall appear at three successive inspections with less than twenty-five privates of infantry or rifle, or than twenty of artillery or cavalry, calculated in this manner, the commander-in-chief shall have the right to dissolve them.

§ 5. That volunteer companies who shall appear to be sufficiently instructed, at any regular inspections, by the brigadier general or brigade inspector, may at the discretion of the brigadier general, be dis-

pensed with, every alternate muster, as required by law; and shall, except in time of war, invasion, or actual insurrection, have preference in being called out on duty in cases of imminent danger, or to enforce the laws.

§ 6. That in cases of invasion, tumult or insurrection, it shall not be necessary for commandants of volunteer troops to issue written notices or orders for calling out their officers and men, but verbal orders or notices, or proper signals, as may be previously agreed upon, shall be sufficient therefor.

§ 7. Any court convened under the by-laws of any volunteer corps, or the laws of the militia, or in conformity with the general military laws, shall have power to assess fines, in addition to those prescribed by law, and shall have authority to allow such pay and allowance to officers, non-commissioned officers, musicians, drivers or privates, as shall be deemed just for services rendered, which shall always be paid out of the funds of said corps, when approved by the officer ordering the court.

§ 8. Every officer of a volunteer corps, who shall hereafter resign his commission, and whose resignation shall have been accepted by the proper authority, shall, provided he has served faithfully in such capacity for the period of six years, be thereafter exempt from all military duty in this State, except in case of insurrection or invasion; and shall, in no case, be compelled to serve in a grade inferior to that which he shall have previously held.

§ 9. Every non-commissioned officer, musician, and private now belonging to, or who shall hereafter belong to any volunteer company, and shall have served faithfully therein for the period of nine years, shall, thereafter, be exempt from military duty in this State, except in cases of insurrection or invasion.

§ 10. Any member of a volunteer company, who shall not, in due time, uniform and equip himself according to the by-laws then in force, or who shall not attend the regular parade of his company, shall be fined therefor, by provisions in the by-laws.

§ 11. That the volunteer companies of the City and county of St. Louis and such in the immediate vicinity as may choose to annex themselves thereto, shall constitute one corps, to be called a Legion; which shall be organized into battalions, regiments, brigades and divisions, as shall be prescribed by the existing laws; and which shall be under the immediate command of the Governor of this State.

§ 12. That the said legion shall be organized by the Governor as before prescribed, and shall have the privilege of making, adopting and using such uniform and arms as shall be considered expedient; and may make all proper rules and regulations, by-laws or orders, for its government, not inconsistent with the laws of this State or of the United States, which, when approved by the Governor, shall have the force of law.

§ 13. That the Governor is authorized, from time to time, to alter the organization of the legion, so as to adapt it to the increase of companies, and to assign officers of the requisite rank to their proper commands.

§ 14. That whenever four or more volunteer companies shall be formed and organized in any one county of this State, the Governor may organize them as a part of this legion, and they shall have all the rights and privileges granted to the legion in general.

§ 15. The said legion shall be authorized to purchase, lease, or otherwise hold such real estate as may be necessary for the preservation of its ordnance and arms, or as may be deemed convenient for the meetings and exercise of its members, and for the manufacture and storage of the proper ammunition and other military stores. They may also adopt some appropriate motto, and may have and use a common seal.

§ 16. Every member of this legion, who shall reside within the township of St. Louis, in the county of St. Louis, and who shall produce a certificate, dated within three months of the time of its production, and signed by his commandant, setting forth that he belongs to such corps, and is equipped and uniformed according to law or the by-laws of his corps, shall be exempt from serving on any jury within this State; and such certificate shall be sufficient evidence of his right to such exemption.

§ 17. Whenever any member, so exempted, shall be discharged by his commandant, his name and place of residence shall immediately be reported to the commandant of the militia company in whose beat he may reside; and also the sheriff and constable of the township or county.

§ 18. This act shall not be published among the laws of the present session; but the Secretary of State shall enter into contract for printing fifteen hundred copies of the same, in pamphlet form, provided he can have the same printed for two hundred and fifty dollars.

§ 19. All former laws on the subject of this act, are hereby repealed; and this act shall take effect from its passage.

JOHN JAMESON,
Speaker of the House of Representatives.

FRANKLIN CANNON,
President of the Senate.

APPROVED, Feb. 6, 1837.

LILBURN W. BOGGS.

ERRATA.

Page 9, *head notes, section* 9, *for* 40 *read* 32.